



Search

Search

Special Education (/sped/)

Technical Assistance ▾
(/sped/ta.html)

Educator Evaluation
(/edeval/specialed/)

Training (/sped/training.html)

Documents (/sped/docs.html)

IDEA 2004 (/sped/IDEA2004/)

Early Childhood (/sped/ecse/)

Secondary Transition
(/sped/secondary-transition/)

IEP Process, Forms & Notices ▾
(/sped/iep/)

IEP Improvement Project
(/sped/ImproveIEP/)

Policy and Guidance ▾
(/sped/policy.html)

Advisories (/sped/advisories/)

MA SPP and APR
(/sped/spp/maspp.html)

Parent Information
(/sped/parents.html)

Complaints & Compliance
(/sped/cc.html)

MCAS (/mcas/)

MCAS Alternate Assessment
(/mcas/alt/)

Laws and Related Documents ▾
(/sped/laws.html)

IDEA Equitable Services
(/sped/proshare/)

Assistive Tech. and Accessibility
(/sped/assistive/)

Links and Resources
(/sped/links.html)

Technical Assistance Advisory SPED 2020-1

Massachusetts Rehabilitation Commission Pre-Employment Transition Services (Pre-ETS)

To: Superintendents, Administrators of Special Education, Other Education Personnel, Students, Families, and Other Interested Parties

From: Russell Johnston, Senior Associate Commissioner, Massachusetts Department of Elementary and Secondary Education, and Toni Wolf, Commissioner, Massachusetts Rehabilitation Commission

Date: January 2, 2020

Purpose

The Department of Elementary and Secondary Education (DESE) and the Massachusetts Rehabilitation Commission (MRC) issue this joint advisory to:

- Define and describe Pre-Employment Transition Services (Pre-ETS) as mandated by the federal Workforce Innovation and Opportunities Act (WIOA) and offered through MRC-contracted providers for students with disabilities;
- Clarify which students may be appropriate for Pre-ETS;
- Describe how to apply for these services; and
- Recommend collaborative practices among MRC vocational rehabilitation (VR) counselors, MRC contracted Pre-ETS providers, and Local Educational Agency (LEA) personnel for the provision of Pre-ETS.

Background

MRC's mission is to provide comprehensive services to individuals with disabilities to improve their quality of life and economic self-sufficiency in the community. MRC's VR Program is authorized and funded under the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act of 2014, P.L. 113-128 (WIOA¹), and focuses on preparing people with disabilities for successful employment. Under WIOA, MRC is required to allocate not less than 15 percent of the agency's VR budget to provide Pre-ETS for students with disabilities.

MRC offers Pre-ETS to students with disabilities aged 14 through 21 (up to their 22nd birthday) through a statewide system of contracted Pre-ETS providers² who deliver services through partnerships with schools, with the purpose of supporting students to develop employment skills. Pre-ETS are a supplement to the services students receive through their Individualized Education Program (IEP) or 504 Plan. In other words, Pre-ETS are not an entitlement but rather are complementary to employment preparation services that schools provide to students through general or special education.

Types of Pre-ETS

Pre-ETS providers across the state offer these five Pre-ETS required by WIOA:

- Job exploration counseling
- Work readiness training
- Work-based learning experiences
- Counseling in postsecondary education
- Self-advocacy and mentoring services

Pre-ETS are intended to increase the student's awareness of the world of work and their own employment interests, skills, and needs; provide exposure to work experiences; and better prepare students for employment and postsecondary success. Pre-ETS providers deliver services across the five Pre-ETS areas in a continuum of tiers that correspond to students' different skills and abilities. The three tiers are:

- Awareness
- Exploration
- Preparation

The Awareness tier focuses on an introduction to the world of work for younger students and/or students with few or no existing employment skills. Older students and/or those with a higher level of skill or experience can receive Pre-ETS through the Exploration tier, and those with the highest level of skill or experience can participate in Pre-ETS through the Preparation tier. Students can enter or participate in any or all tiers based on their interest and needs. As each student gains skills through various Pre-ETS experiences, they can move fluidly through the tiers at an individualized pace.

Pre-ETS are provided at no cost to the school, district, family, or student. Pre-ETS programs are often held in the community at places such as libraries, workforce centers, employer sites, or a provider's office. Alternatively, Pre-ETS providers may collaborate with LEAs to schedule classes or other experiences in schools. Pre-ETS may occur during or after school hours and should complement school-based programming.

Pre-ETS are typically delivered in group settings with activities tailored to meet students' interests and needs, and use universal design methods to improve access for students who have varying abilities. Providers can deliver accommodations or modifications to the programs and will develop partnerships with schools and other entities to expand their repertoire of available supports. For example, if a student normally receives support from a paraprofessional during the school day, the school may arrange for the paraprofessional to support the student so they can access the Pre-ETS provider's programming. As another example, with advance notice of a Pre-ETS provider's curriculum, the school can adapt the curriculum materials to best meet the student's learning needs.

Students Eligible to Receive Pre-ETS

All students with disabilities aged 14 through 21 (up to their 22nd birthday) may apply to receive Pre-ETS. These include students who have IEPs, 504 Plans, or other documentation of disability. Additionally, Pre-ETS are available for students with disabilities who graduate from high school or complete special education services, if these students are enrolled in a recognized postsecondary educational program, such as a two- or four-year college, trade school, certificate program, etc. While Pre-ETS are available for 14-year-old students, services will not be provided while they are still in middle school; students must be enrolled in at least high school.

Procedure for Referring Students for Pre-ETS Services

Schools, families, and/or students themselves can request Pre-ETS by contacting their MRC VR Counselor (<https://www.mass.gov/mrc-transition-services-for-students-and-youth>), local MRC office (https://www.mass.gov/vocational-rehabilitation/locations?_page=1), or a Pre-ETS provider (<https://www.mass.gov/service-details/pre-employment-transition-services-pre-ets-0>). To provide statewide coverage, MRC has assigned a Pre-ETS provider to be the main liaison for each high school, although students are not limited to working only with the provider assigned to a particular high school. Students may be referred for services to a provider who is the best fit for the student's needs.

The referral process follows these steps:

1. The school, parent³, or student contacts the Pre-ETS provider (<https://www.mass.gov/service-details/pre-employment-transition-services-pre-ets-0>), who makes available information on the provider's services and procedures.
2. The school, parent, or student completes the MRC Pre-ETS referral form (<https://www.mass.gov/doc/mrc-pre-ets-enrollment-form/download>), which includes parent consent if the student is under age 18.
3. The school, parent, and/or student compiles required disability documentation for the Pre-ETS provider. Possible documentation may include the student's IEP, relevant medical documents, psychosocial report, or 504 Plan.
4. The provider conducts an initial intake to learn about the student. Intakes and initial orientations or workshops may take place at school, at provider's locations, or at MRC offices. Pre-ETS providers will then develop a service plan for each student based on the Pre-ETS services to be provided.

Pre-ETS Is Different from Vocational Rehabilitation (VR) Services

In addition to Pre-ETS, MRC provides VR services for students with disabilities one year before they graduate from high school or age out of special education (i.e., turn 22 without having earned a high school diploma). VR services are different from Pre-ETS, because they are for adult students with disabilities who are interested in work and need **individualized** services to prepare them for employment. Like Pre-ETS, VR services are not an entitlement; they are subject to a determination of eligibility and the availability of funding.

MRC encourages students to apply to determine eligibility for VR services generally when they are at least one year from high school exit; MRC counselors can answer more specific questions about timing for individual students. This application can be made directly to the MRC VR counselor liaison assigned to the school through a process called "Direct Referral." The person seeking services and/or their legal guardian (if under age 18 or under guardianship) may make a referral to MRC. Apart from a "Direct Referral," a Chapter 688 referral⁴ is another entry point into MRC's adult services. It is reserved, however, for students in need of transition planning to identify and connect to resources to address long-term support needs and who meet the Chapter 688 criteria (</speed/iep/688/>):

- Receiving special education services paid for by the LEA;
- Requiring continuing adult services at the time of graduation/turning 22; and
- Unable to work competitively over 20 hours per week.

Chapter 688 referrals are submitted by the LEA to MRC (or another agency, depending on the student's disability and which agency is the best fit to meet their needs) two years before the student's expected high school graduation or their turning 22, whichever comes first, through the Virtual Gateway, a secure online referral platform. A Chapter 688 referral is not a guarantee of adult services at MRC; to receive adult services, the student will need to apply for VR (see above).

Chapter 688 referral does not impact the student's ability to participate in Pre-ETS. MRC encourages students to participate in at least one Pre-ETS activity while in high school, starting as early as age 14, before initiating a Chapter 688 referral.

Additional information about referrals to MRC can be found on the MRC website (<https://www.mass.gov/service-details/types-of-referrals-to-mrc-for-students-and-youth>).

How LEAs Can Partner with MRC to Provide Pre-ETS

To better coordinate student services, MRC and DESE encourage VR counselors, Pre-ETS providers, and LEAs to build close relationships with strong communication. DESE and MRC recommend that LEAs adopt the following practices.

Staffing

- Designate at least one school staff person to be the liaison with MRC and Pre-ETS staff and to facilitate information flow among MRC, Pre-ETS providers, families, students, and educators. Provide MRC and Pre-ETS provider staff with necessary on-site resources, such as access to meeting space, work space, and Internet connection.

Identifying Students

- Inform students, parents, and other IEP Team members of the availability of Pre-ETS, and connect students and families with the MRC VR counselor and/or Pre-ETS provider. For example, schools may send a letter to parents of students with disabilities, introducing MRC and the Pre-ETS provider, and outlining the benefits of student participation.
- Inform school personnel that Pre-ETS is available for students with disabilities who have IEPs, 504 Plans, or other documentation of disability.
- Collaborate with the MRC VR counselor and/or Pre-ETS provider assigned to each of the district's high schools to identify students with disabilities aged 14 through 21 (up to their 22nd birthday), across disability types and levels of need, who may be appropriate for Pre-ETS.


Communication and Coordination

- >Share student information with MRC VR counselors and Pre-ETS providers with the prior written consent of the student's parent or the student who is age 14 or older or who has entered 9th grade, and as consistent with applicable student records laws. This information might include student and parent contact and relevant personal information, student assessment results, Transition Planning Forms (TPFs), IEPs, and 504 Plans.
- Partner with MRC and Pre-ETS providers to develop joint methods for communication, including procedures for sharing documentation of students' employment-related skills acquisition.
- Coordinate Pre-ETS delivery to complement both general and special education opportunities and experiences that build employment-related skills for students with disabilities.
- Consider developing or modifying school contracts with other community partners to supplement Pre-ETS providers' programming and services that are not allowable costs for Pre-ETS providers. For example, the Pre-ETS providers will likely be unable to transport students or provide one-on-one supports such as job coaching.
- Consider developing a Memorandum of Understanding with a local Pre-ETS provider, to make the terms of the working relationship clear to school and provider personnel, parents, and students.
- Coordinate with MRC to explain the purpose of VR services (as distinct from Pre-ETS) to students who are one year from high school graduation, including eligibility requirements, application procedures, and the scope of services that may be provided as a student prepares to leave high school and pursue a career.

Collaboration for the 504 Plan and IEP Process

- Invite MRC VR counselors and/or Pre-ETS providers to participate in 504 and IEP planning meetings, in full or in part, as appropriate, and with the prior consent of the parent or student who has reached the age of majority. If possible, provide VR counselors and/or Pre-ETS providers with alternative means of meeting participation, such as video conferences and conference calls.
- Partner with MRC and Pre-ETS providers to coordinate Pre-ETS with secondary transition services ([/sped/secondary-transition/default.html](https://sped/secondary-transition/default.html)) under the Individuals with Disabilities Education Act (IDEA). Under IDEA, schools are responsible for providing secondary transition services in the areas of Postsecondary Education/Training, Competitive Employment, Independent Living, and Community Participation, as appropriate to the unique needs of each student. In many cases, schools provide employment skills development as part of secondary transition services. Partnering with MRC and Pre-ETS providers can help prevent Pre-ETS and secondary transition services from becoming duplicative.

Documenting Pre-ETS

- LEAs may choose how and whether to document in the 504 Plan or IEP those services that the Pre-ETS provider agrees to provide; documentation practices may vary among LEAs. LEAs are responsible for providing services delineated in an individual student's IEP. LEAs should be aware that if MRC does not provide agreed-upon services detailed in the IEP, the LEA assumes responsibility to provide those services and may seek reimbursement from MRC.⁵ During transition planning at the IEP meeting, the Transition Planning Form (TPF) 

(/sped/28MR/28m9.docx) can be used to guide and document discussion of the complementary services that the LEA and MRC can provide. Pre-ETS can be documented in the TPF Action Plan and the *Additional Information* section of the IEP, or in any 504 Plan documentation.

The Relationship Between Special Education and Pre-ETS

Planning for Pre-ETS does not relieve LEAs of the responsibility to provide or pay for any services that they would otherwise provide to students with IEPs. For example, if an IEP documents that the LEA will provide job exploration counseling to a student, the school should not cease providing that service when Pre-ETS becomes an option. Likewise, the school's provision of career preparation services through the IEP process does not relieve MRC of the responsibility to provide or pay for Pre-ETS, subject to the availability of MRC resources.⁶ We encourage MRC and LEAs provide Pre-ETS services that build off of the secondary transition services in a student's IEP. Although services should not be duplicative, there may be circumstances in which the LEA and MRC agree to provide similar services to a student because such services are complementary and reinforce skills across different environments, e.g., at school, a worksite, or other community location. In cases where a question arises as to financial responsibility for services, MRC and the LEAs will work together to establish financial responsibilities, as well as procedures for disputes resolution and for the coordination and timely delivery of services. MRC and LEAs should refer to state and federal laws, related regulations, and state and federal guidance to assist in resolving such issues in the best interest of the student.

Conclusion

Vocational services under the 2014 Workforce Innovation and Opportunity Act (WIOA) offer an opportunity for improved collaboration among students, parents, school district personnel, MRC staff, and community Pre-ETS providers. We encourage LEAs, MRC, and Pre-ETS providers to work together to promote enhanced opportunities and employment skills development for students with disabilities.

If you have questions or suggestions, please contact the Department's Office of Special Education Planning and Policy Development at 781-338-3375 or your school's MRC liaison.

¹ WIOA is a comprehensive federal law, enacted on July 22, 2014, which is intended to streamline, consolidate, and improve workforce development and training services for various groups, including youth and workers with disabilities.

² Pre-ETS providers are community-based organizations that are contracted by MRC to provide employment-related skill-building services to students with disabilities.

³ The word "parent" in this document is used as defined in federal regulations. See 34 CFR §300.30.

⁴ M.G.L. c. 71B, § 12C

⁵ 34 CFR §300.154 b(1)(i) and b(2) and §300.324 (c)(1), (c)(2)

⁶ WIOA and IDEA regulations are to be understood in concert regarding responsibilities of LEAs and MRC in regard to provision and payment of services:

- 34 CFR §361.22(c): "Nothing in this part will be construed to reduce the obligation under the Individuals with Disabilities Education Act (20 U.S.C. 1400et seq.) of a local educational agency or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities within the State involved."
- 34 CFR §300.324(c)(2): "Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency."

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